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*Attorneys for Plaintiff and the Alleged Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,  
INC., individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a  
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**DECLARATION OF PATRICK H.  
PELUSO IN SUPPORT OF  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

Judge: Hon. Edward M. Chen  
Courtroom: 5  
Complaint Filed: September 11, 2019

I, Patrick Peluso, on oath declare as follows:

1. I am one of the attorneys for Plaintiff Abante Rooter and Plumbing, Inc. (“Plaintiff”) and the alleged Class in the above-captioned action. I am over the age of 18 and can competently testify to the matters set forth herein if called to do so.

2. I submit this declaration in support of Plaintiff’s Administrative Motion to File Under Seal, pursuant to Local Rules 79-5 and 7-11.

3. Plaintiff’s Reply in Support of Motion for Class Certification discusses documents and testimony that Defendant Total Merchant Services, LLC (“Defendant”) has designated as

1 confidential pursuant to the stipulated protective order entered in this case (dkt. 42). Therefore,  
 2 Plaintiff is filing portions of this document under seal in compliance with the protective order.

3 4. In compliance with L.R. 79-5(d)(1)(D), Plaintiff also submits unredacted versions  
 4 of the following documents requested to be sealed

| Document   | Portion Designated Confidential   |
|--|---|
| Plaintiff's Reply in Support of Motion for Class Certification | Page 2 n.1; page 3 lines 5-6, 13, 19-21; page 8 lines 26-27; page 9 lines 1-3; and page 14 lines 15-19. |

8 Further affiant sayeth not.

9 I declare under penalty of perjury that the foregoing is true and correct and that this  
 10 declaration was executed in the State of Colorado, on May 21, 2021.  
 11

12 By: /s/ Patrick H. Peluso

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Patrick H. Peluso